

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/20/15</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRENCE MOORE, as Trustee of the Metal  
Lathers Local 46 Pension Fund, *et al.*,

Plaintiffs,

- against -

NAVILLUS TILE, INC., *et al.*,

Defendants.  
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**ORDER**

14-CV-8326 (CM) (JLC)

**JAMES L. COTT, United States Magistrate Judge.**

For the reasons discussed during the telephone conference held today, the discovery dispute described in the parties' letters to the Court (Dkt. Nos. 87, 91-92), is resolved as follows:

Defendants shall produce to plaintiffs the report prepared by Computer Evidence Recovery, Inc.

with respect to the text message records of Donal O'Sullivan and Kevin O'Sullivan. Additionally,

Willis Goldsmith shall provide plaintiffs with an affidavit consistent with his March 19, 2015 letter to the Court regarding the substance of Donal O'Sullivan's and Kevin O'Sullivan's text messages.

**SO ORDERED.**

Dated: New York, New York  
March 20, 2015

  
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JAMES L. COTT  
United States Magistrate Judge